

### **REMARKS**

Applicant respectfully requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 1-3, 5, 8, 10-12, 14-16 and 19-21 were pending in the application prior to this Office Action, but are cancelled herein without prejudice to or disclaimer of the subject matter recited therein. Claims 22-39 are added herein. Therefore, claims 22-39 are now pending in the application, with claims 22, 31, and 32 being independent. Support for new claims 22-30 and 33-39 can be found in the original application as filed, at least at paragraphs [0011]-[0042]. In addition, support for new claims 31 and 32 can be found in the original application at least at paragraphs [0015]-[0029] and in the Inventor Disclosure accompanying the Declaration. For the Examiner's convenience, copies of the relevant portions of the Inventor Disclosure are attached. No new matter has been added.

### **§ 103 REJECTIONS**

I. Claims 1-3, 5, 8, 10-12, 14-16 and 19-21 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 7,053,780 (Straub) in view of U.S. Patent No. 6,850,604 (Cannell). Applicant respectfully traverses the rejection.

II. Claim 6 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 7,053,780 (Straub) in view of U.S. Patent No. 6,850,604 (Cannell) and further in view of U.S. Patent No. 6,710,715 (Deeds). Applicant respectfully traverses the rejection.

Nevertheless, without conceding the propriety of the rejection and in the interest of expediting allowance of the application, claims 1-3, 5, 8, 10-12, 14-16 and 19-21 have been cancelled, thereby rendering the rejections moot.

Claims 22-39 are newly presented as proposed during the interview and are believed to be allowable over the documents of record.

**New independent claim 22** is directed to a wireless telephone for receiving an incoming call, and recites, among other things:

- a first receiver configured to receive wireless telephone calls;

- a second receiver, different than the first receiver, the second receiver configured to receive an emergency alert broadcast; and

- a microcontroller in communication with the first and second receivers, wherein the microcontroller is configured to be a common processor resource for the first and second receivers of the wireless telephone, by:

- determining a call is in progress on the first receiver,

- determining an emergency alert broadcast is being received at the second receiver,

- determining whether to notify a user of the wireless telephone of the emergency alert broadcast based on user-defined emergency alert preferences,

- storing extracted code information received from the emergency alert broadcast, and

- providing a periodic reminder of an emergency alert broadcast containing information regarding a weather emergency to the user of the telecommunications device, the periodic reminder being continually provided until an expiration date and time of the weather emergency or until receipt of a first indication to suspend a wireless telephone call in progress.

None of the cited documents discloses or suggests such features.

Straub is directed to “global positioning systems (GPS) based location specific alert methods, systems and devices” and describes a navigation device with a GPS antenna and two-way radio antenna for receiving satellite and radio signals. Straub further describes receiving weather alerts and generating weather alerts based on the heading and location information.

However, Straub fails to disclose or suggest a “a first receiver configured to receive wireless telephone calls; a second receiver, different than the first receiver, the second receiver configured to receive an emergency alert broadcast” and a **“microcontroller configured to be a common processor resource for the first and second receivers of the wireless telephone,”** as recited in new independent claim 22. Additionally, Straub fails to disclose or suggest “determining whether a user of a telecommunications device shall be notified of the emergency alert broadcast based on user-defined emergency alert preferences” and “storing extracted code information received from the emergency alert broadcast,” as recited in new independent claim 22.

Cannell was cited for its alleged teaching of a “a microcontroller of the processor for determining whether a wireless telephone call is in progress (col. 4 lines 20-29), and providing a periodic reminder of an emergency alert broadcast containing information regarding a weather emergency to the user of the telecommunications device at a predetermined time interval for a duration of time (col. 4 lines 61-65), wherein the periodic reminder is continually provided until one of: an expiration date and time of the weather emergency or a first indication by the user of the telecommunications device to suspend a wireless telephone call in progress (col. 5 lines 11-21); a microcontroller for resuming the suspended wireless telephone call when a second indication from the user

of the telecommunications device is received (col. 5 line 56 – col. 6 line 3).” (Office Action, page 4). However, Cannell fails to remedy the deficiencies in Straub noted above with respect to new independent claim 22. For example, Cannell fails to disclose or suggest a **“microcontroller configured to be a common processor resource for the first and second receivers of the wireless telephone,”** as recited in new independent claim 22. Further, Cannell fails to disclose or suggest “determining whether a user of a telecommunications device shall be notified of the emergency alert broadcast based on user-defined emergency alert preferences” and “storing extracted code information received from the emergency alert broadcast,” as also recited in new independent claim 22.

Thus, since neither Straub nor Cannell discloses a **“microcontroller configured to be a common processor resource for the first and second receivers of the wireless telephone,”** the combination cannot be said to disclose such a feature. Accordingly, independent claim 22 is allowable over Straub and Cannell, whether taken alone or in combination (assuming for the sake of argument that they can be combined).

**Dependent claims 23-30** depend from independent claim 22 and are allowable by virtue of this dependency, as well as for additional features that they recite. Applicant respectfully requests individual consideration of each dependent claim.

**New independent claims 31 and 32** recite features disclosed in inventor disclosure documents, which accompanied the Declaration and which are hereto attached as Exhibit - Inventor Disclosure (hereinafter referenced as “Exhibit”). The Exhibit

previously submitted as a portion of a Declaration includes sufficient allegations of fact to establish that the features claimed in independent claims 31 and 32 were conceived on or before September 30<sup>th</sup>, 2003. Accordingly, claims 31 and 32 are entitled to conception and reduction to practice dates of the claimed subjected matter, at least as early as September 30, 2003, thereby obviating the rejections based on Straub.

**New independent claim 31** is directed to a wireless telephone for use by a telecommunications user, comprising:

- a wireless telephone;
- a weather alert radio which includes a receiver configured to communicate with a NOAA radio broadcast system or a digital satellite system;
- a digital AM/FM radio module in communication with the weather alert radio;
- an alerting module in communication with the weather alert radio and the wireless telephone, configured to provide an audio, a visual or an audio-visual alert, wherein the magnitude and type of the alert is selectably modulateable;
- a speaker jack, coupled to the weather alert radio, the digital AM/FM radio module and the wireless telephone;
- a power module, including a battery power pack coupled to the wireless telephone, weather alert radio, AM/FM radio module, and alerting module;
- a user interface, having a key pad, wherein the key pad is in communication with the weather alert radio, the digital AM/FM radio module and the wireless telephone; and
- an antenna, coupled to the wireless telephone, in communication with the wireless telephone and the weather alert radio.

New independent claim 31 is supported by the original disclosure at paragraphs [0015]-[0029] and by the Exhibit as follows:

- “a wireless telephone” is supported by the following portions of the Exhibit: at page 1, BellSouth Invention Disclosure, under sections: Solution and Component Synergy; and at page 4, Weather Alert Radio, items 1, 2 and 6.
- “a weather alert radio which includes a receiver configured to communicate with a NOAA radio broadcast system or a digital satellite system” is supported by the following portions of the Exhibit: at page 1, BellSouth Invention Disclosure, under sections: Solution and Component Synergy; and at page 4, Weather Alert Radio, item 5.
- “a digital AM/FM radio module in communication with the weather alert radio” is supported by the following portion of the Exhibit: at page 4, Weather Alert Radio, item 4.
- “an alerting module in communication with the weather alert radio and the wireless telephone, configured to provide an audio, a visual or an audio-visual alert, wherein the magnitude and type of the alert is selectably modulateable” is supported by the following portions of the Exhibit: at page 1, BellSouth Invention Disclosure under sections: Solution and Component Synergy; and at page 4, Weather Alert Radio, item 3.
- “a speaker jack, coupled to the weather alert radio, the digital AM/FM radio module and the wireless telephone” is supported by the following portions of the Exhibit: at page 4, Weather Alert Radio, items 1, 4 and 6.
- “a power module, including a battery power pack coupled to the wireless telephone, weather alert radio, AM/FM radio module, and alerting module” is

supported by the following portions of the Exhibit: at page 4, Weather Alert Radio, items 1 and 6.

- “a user interface, having a key pad, wherein the key pad is in communication with the weather alert radio, the digital AM/FM radio module and the wireless telephone” is supported by the following portions of the Exhibit: at page 1, BellSouth Invention Disclosure under section Component Synergy; and at page 4, Weather Alert Radio, items 1, 4 and 6.
- “an antenna, coupled to the wireless telephone, in communication with the wireless telephone and the weather alert radio” is supported by the following portions of the Exhibit: Weather Alert Radio, item 2 and 6.

As indicated, the Exhibit is directed toward disclosures by the Applicant to the Applicant's Representative.

**New independent claim 32**, as presented, is directed to a method, and recites, among other things:

activating a digital AM/FM radio module of a wireless telephone;  
receiving a weather alert broadcast at the wireless telephone;  
alerting a user of the wireless telephone of a weather alert broadcast by an audio, visual, or audio-visual alert; and  
deactivating the digital AM/FM radio module of the wireless telephone to communicate the weather alert broadcast to the recipient.

New independent claim 32 is supported by the original disclosure at paragraph [0028] and by the Exhibit as follows:

- “activating a digital AM/FM radio module of a wireless telephone” is supported by the following portions of the Exhibit: at page 1, BellSouth Invention Disclosure, under section: Component Synergy; and at page 4, Weather Alert Radio, items 1 and 4.
- “receiving a weather alert broadcast at the wireless telephone” is supported by the following portions of the Exhibit: at page 1, BellSouth Invention Disclosure, under sections: Solution and Component Synergy; and at page 4, Weather Alert Radio, items 4 and 5.
- “alerting a user of the wireless telephone of a weather alert broadcast by an audio, visual, or audio-visual alert” is supported by the following portions of the Exhibit: at page 1, BellSouth Invention Disclosure, under sections: Solution and Component Synergy; and at page 4, Weather Alert Radio, items 3 and 4.
- “deactivating the digital AM/FM radio module of the wireless telephone to communicate the weather alert broadcast to the recipient” is supported by the following portions of the Exhibit: at page 1, BellSouth Invention Disclosure under section: Solution; and at page 4, Weather Alert Radio, item 5.

### **CONCLUSION**

For at least the foregoing reasons, claims 22-39 are in condition for allowance. Applicant respectfully requests reconsideration and withdrawal of the rejections and an early notice of allowance.



If any issue remains unresolved that would prevent allowance of this case,  
**Applicant requests that the Examiner contact the undersigned attorney to resolve  
the issue.**

Respectfully submitted,

Date: March, 31, 2008

By: /David A. Divine/  
David A. Divine  
Reg. No. 51,275